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Kevin D. McCarthy

Date June 23, 2006

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Patent

0-05-201 - 10515/US/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Sonnenschein
Serial no.: 09/809,291
Filing date: March 15, 2001
Title: FUNDOPLICATION APPARATUS AND METHOD
Examiner: Leubecker, John
Art Unit: 3739

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

RESPONSE AND AMENDMENT

This response is in reply to the office action mailed on June 9, 2006.

Election/Restriction: Applicant thanks the Examiner for withdrawing the restriction requirement.

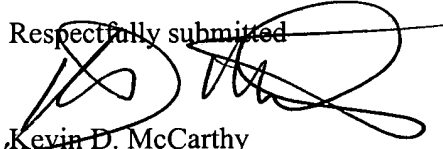
Drawings: Replacement drawing sheets nos. 4, 31, and 36 in which Figs. 4A, 4B, 27, and 32 have been designated "prior art" are attached.

Claim Rejections under 35 USC §112: Starting at page 2 of this response is an amended claim set in which claims 1, 8 to 10, 12, 13, 16, and 18 have been amended and claims 7, 17, and 19 deleted in order to correct the defects in claims 7 to 10, 12, 13, and 16 to 20 as mentioned by the Examiner in the Office Action.

Double Patenting: Applicant submits, through its attorney, the enclosed Terminal Disclosure at page 16 in relation to US 6,872,214. The '214 patent and the present application have both been assigned by the inventors to the same assignee.

It is respectfully submitted that this application is in condition for allowance and that an allowance be granted.

Respectfully submitted


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